

DETAILED ACTION

1. Claims 1, 3-17, and 19-24 were presented for examination. Applicant filed an amendment on March 23, 2010. No claims were added. No claims were canceled. Claims 1, 3, 9-12, and 14 were amended.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 23, 2010 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:
4. The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 1, 9, and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 9, and 14 recite the step of receiving "the second input from the holder of the elective account balance subsequent to the

second interface presenting the bid premium to the holder", which was not found in the original disclosure.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 1, 3-17, and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien (US 2001/0054003 A1) and in view of Ghouri (US 2002/0082978 A1).

Claim 1: In regard to the following limitation, Chien suggests:

- a microprocessor based device communicably coupled to a communication network; (Chien: pgh 33)
- a computer readable medium associated with the microprocessor based device (Chien: pgh 33), wherein the computer readable

medium includes instructions executable by the microprocessor based device to:

- receive a request for a first interface from a bid device; (Chien: pgh 13)
- serve the first interface to the bid device across the communication network, wherein the first interface is operable to receive a first-input a bid premium from one of a plurality of entities competing for access to an elective balance through bid premiums wherein the received bid premium indicates in relation to the par value of the elective account balance an amount for which one of the entities is willing to redeem the elective account balance; (Chien: pghs 52-54)
- receive a request for a second interface from a redemption device; (Chien: pgh 49)
- serve the second interface to the redemption device across the communication network, wherein the second interface in part presents to a holder of the an elective account balance the bid premium first-input and wherein the second interface is operable to receive a second input, wherein the second input is received from the holder of the an elective account balance; (Chien: pghs 50-51)
- allocate at least a portion of the an elective balance to a particular one of a plurality of available redemption categories based at least in part on the second input; and (Chien: pghs 8 and 52)
- calculate a redemption amount by multiplying the portion of the elective balance by the bid premium, first-input; wherein the first input is a bid premium from one of a plurality of entities competing for access to the elective balance through bid premiums on the redemption categories. (Chien: pgh 52)

Chien does not suggest the remaining limitation. However, Ghouri suggests:

- receive the second input from the holder of the elective account balance subsequent to the second interface presenting the bid premium to the holder (Ghouri: pgh 68)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Chien with the elements as taught by Ghouri because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

Claim 3: Chien/Ghouri teaches the limitation(s) as shown in the rejection of claim

1. In regard to the following limitation, Chien further suggests:

- receive a request for a third interface; (Chien: pgh 52)
- serve the third interface to the redemption device, wherein the third interface is operable to receive a third input; and (Chien: pgh 54)
- deduct an amount corresponding to the third input from the redemption amount, and reduce the elective balance by an amount corresponding to the third input divided by the bid premium, first input. (Chien: pgh 54)

Claim 4: Chien/Ghouri teaches the limitation(s) as shown in the rejection of claim

1. In regard to the following limitation, Chien further suggests:

- wherein the particular redemption category is selected from a group consisting of: cash, a retail outlet, vacation time; additional sick days, and a service provider. (Chien: pgh 50)

Claim 5: Chien/Ghouri teaches the limitation(s) as shown in the rejection of claim

1. In regard to the following limitation, Chien further suggests:

- wherein the particular redemption category is a first redemption category, wherein the portion of the elective balance is a first portion of the elective balance, wherein the redemption amount is a first redemption amount, wherein the second interface is further operable to receive a fourth input, wherein the bid device is a first bid device, and (Chien: pghs 50-56) wherein the instructions executable by the microprocessor based device are further executable to:
- receive a request for a third interface from a second bid device; (Chien: pgh 13)
- serve the third interface to the second bid device across the communication network, wherein the third interface is operable to receive a third input; (Chien: pgh 13)
- allocate a second portion of the elective balance to a second redemption category based at least in part on the fourth input; (Chien: pgh 52)
- calculate a second redemption amount by multiplying the second portion of the elective balance by the third input. (Chien: pgh 52)

Claim 6: Chien/Ghoury teaches the limitation(s) as shown in the rejection of claim

1. In regard to the following limitation, Chien further suggests:

- wherein the particular redemption category is a first redemption category (Chien: pghs 50-56), and wherein the instructions executable by the microprocessor based device are further executable to:
- allocate a remaining portion of the elective balance to a second redemption category. (Chien: pgh 52)

Claim 7: Chien/Ghoury teaches the limitation(s) as shown in the rejection of claim

6. In regard to the following limitation, Chien further suggests:

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- wherein the first redemption category is selected from a group consisting of: a retail outlet, vacation time, additional sick days, and a service provider. (Chien: pgh 50)

Claim 8: Chien/Ghouri teaches the limitation(s) as shown in the rejection of claim

7. In regard to the following limitation, Chien further suggests:

- wherein the second redemption category is cash. (Chien: pgh 15)

Claim 9: In regard to the following limitation, Chien suggests:

- providing, by a computerized servicing engine a first interface to a bid device across a communication network; (Chien: pgh 13)
- receiving by the computerized servicing engine via the first interface a bid premium from one of a plurality of entities competing for access to an elective balance through bid premiums via the first interface, wherein the received bid premium indicates in relation to the par value of the elective account balance an amount for which one of the entities is willing to redeem the elective account balance; (Chien: pgh 13)
- providing by the computerized servicing engine a second interface to a redemption device, wherein the second interface in part presents the bid premium to a holder of the an elective account balance; (Chien: pghs 50-51)
- wherein the percentage number represents a percentage of the elective balance, wherein the percentage of the elective balance is associated with a particular one of a plurality of available redemption categories; and (Chien: pghs 8 and 52-53)
- calculating by the computerized servicing engine a redemption amount by multiplying the elective balance by the percentage of the elective balance and the bid premium wherein the bid premium is

~~received from one of a plurality of entities competing for access to the elective balance through bid premiums on the redemption categories.~~ (Chien: pgh 52)

Chien does not teach the remaining limitation. However, Ghouri suggests:

- receiving, by the computerized servicing engine via the second interface, a percentage number, ~~wherein the percentage number is received from the holder of the elective account balance~~ subsequent to the second interface presenting the bid premium to the holder, (Ghouri: pgh 68)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Chien with the limitation of receiving a portion of the account balance subsequent to the second interface presenting the bid premium to the holder, as taught by Ghouri, because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

Claim 10: Chien/Ghouri teaches the limitation(s) as shown in the rejection of claim 9. In regard to the following limitation, Chien suggests:

- wherein the particular redemption category is a first redemption category, wherein the percentage of the elective balance is a first percentage of the elective balance, wherein the bid device is a first bid device, wherein the bid premium is a first bid premium, the method further comprising: providing, by the computerized servicing engine a third interface to a second bid device across the communication network; (Chien: pgh 13)

- receiving, by the computerized servicing engine a second bid premium from the second bid device, wherein the second bid premium is associated with a second redemption category; and (Chien: pgh 13)
- receiving by the computerized servicing engine a second percentage number, wherein the second percentage number represents a second percentage of the elective balance from the redemption device, wherein the second percentage of the elective balance is associated with the second redemption category. (Chien: pghs 8 and 52-53)

Claim 11: Chien/Ghourri teaches the limitation(s) as shown in the rejection of claim 10. In regard to the following limitation, Chien suggests:

- wherein the redemption amount is a first redemption amount, the method further comprising: calculating by the computerized servicing engine a second redemption amount by multiplying the elective balance by the second percentage of the elective balance and the second bid premium. (Chien: pgh 52)

Claim 12: Chien/Ghourri teaches the limitation(s) as shown in the rejection of claim 9. In regard to the following limitation, Chien suggests:

- The method of claim 9, the method further comprising: allocating, by the computerized servicing engine a remaining portion of the elective balance to cash. (Chien: pgh 15)

Claim 13: Chien/Ghourri teaches the limitation(s) as shown in the rejection of claim 9. In regard to the following limitation, Chien suggests:

- The method of claim 9, wherein the particular redemption category is selected from a group consisting of: cash, a retail outlet, vacation time, additional sick days, and a service provider. (Chien: pgh 50)

Claim 14: In regard to the following limitation, Chien suggests:

- providing an identification interface to a redemption device across a communication network; (Chien: pg 50)
- receiving an identification via the identification interface, wherein the identification indicates an elective account; (Chien: pgs 50-51)
- accessing a balance associated with the elective account; (Chien: pg 51)
- providing an account interface including the balance to the redemption device via the communication network; (Chien: pg 51)
- ~~receiving an allocation selection from the redemption device, wherein the allocation selection indicates an amount of the balance to be associated with a particular one of a plurality of available redemption categories;~~
- receiving a bid premium from the bid device, wherein the bid premium is associated with the particular redemption category and wherein the received bid premium indicates in relation to the par value of the elective account balance an amount for which an entity is willing to redeem the elective account balance; and (Chien: pgs 50-56)
- providing the bid premiums via the account interface to a holder of the balance; (Chien: pgs 50-56)
- calculating a redemption amount based at least in part on the bid premium. (Chien: pgs 11-13)

Chien does not teach the remaining limitations. However, Ghouri suggests:

- receiving, via the redemption device an allocation selection from the holder subsequent to the account interface providing the bid

premiums to the holder, wherein the allocation selection indicates an amount of the balance to be associated with a particular one of the plurality of available redemption categories and (Ghouri: pgh 68)

- providing a bid premium interface to a bid device via the communication network, wherein the bid premium interface comprises bid premiums ~~of the~~ associated with a plurality of available redemption categories; (Ghouri: pghs 65-69)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Chien with the elements as taught by Ghouri because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

Claim 15: Chien/Ghouri teaches the limitation(s) as shown in the rejection of claim 14. In regard to the following limitation, Chien suggests:

- The method of claim 14, the method further comprising: associating the amount of the balance with the particular redemption category; and updating the account interface to indicate the amount of the balance associated with the particular redemption category. (Chien: pghs 51 and 52)

Claim 16: Chien/Ghouri teaches the limitation(s) as shown in the rejection of claim 15. In regard to the following limitation, Chien suggests:

- The method of claim 15, wherein particular the redemption category is selected from a group consisting of: cash, a retail outlet, vacation time, additional sick days, and a service provider. (Chien: pgh 50)

Claim 17: Chien/Ghouri teaches the limitation(s) as shown in the rejection of claim 15. In regard to the following limitation, Chien suggests:

- The method of claim 15, the method further comprising: allocating a remaining portion of the balance to cash; and (Chien: pgh 15)
- wherein the particular redemption category is selected from a group consisting of: a retail outlet, vacation time, additional sick days, and a service provider. (Chien: pgh 50)

Claim 19: Chien/Ghouri teaches the limitation(s) as shown in the rejection of claim

14. In regard to the following limitation, Chien suggests:

- The method of claim 14, wherein the amount of the balance is a percentage of the balance, and wherein calculating the redemption amount comprises: multiplying the balance by the percentage of the balance and the bid premium. (Chien: pgh 52)

Claim 20: Chien/Ghouri teaches the limitation(s) as shown in the rejection of claim

14. In regard to the following limitation, Chien suggests:

- The method of claim 14, wherein the particular redemption category is a first redemption category, wherein the amount of the balance is a first amount of the balance, wherein the bid premium interface is a first bid premium interface, wherein the bid premium is a first bid premium, wherein the bid device is a first bid device, and wherein the account allocation is a first account allocation, the method further comprising: providing a second bid premium interface to a second bid device via the communication network; receiving a second bid premium from the second bid device, wherein the second bid premium is associated with a second redemption category; and (Chien: pgh 13)
- receiving a second allocation selection from the redemption device, wherein the second allocation selection indicates a second amount

of the balance to be associated with the second redemption category. (Chien: pgh 52)

Claim 21: Chien/Ghourri teaches the limitation(s) as shown in the rejection of claim 20. In regard to the following limitation, Chien suggests:

- The method of claim 20, wherein the redemption amount is a first redemption amount, the method further comprising: calculating a second redemption amount based at least in part on the balance, the second bid premium, and the second allocation selection. (Chien: pgh 52)

Claim 22: Chien/Ghourri teaches the limitation(s) as shown in the rejection of claim 1. In regard to the following limitation, Chien suggests:

- The system of claim 1, wherein the plurality of available redemption categories encompass at least two forms of value. (Chien: pgh 12)

Claim 23: Chien/Ghourri teaches the limitation(s) as shown in the rejection of claim 9. In regard to the following limitation, Chien suggests:

- The method of claim 9, wherein the plurality of available redemption categories encompass at least two forms of value. (Chien: pgh 12)

Claim 24: Chien/Ghourri teaches the limitation(s) as shown in the rejection of claim 14. In regard to the following limitation, Chien suggests:

- The method of claim 14, wherein the plurality of available redemption categories encompass at least two forms of value. (Chien: pgh 12)

8. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **John Preston** whose telephone number is **571.270.3918**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by

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telephone are unsuccessful, the Examiner's supervisor, **ALEXANDER KALINOWSKI** can be reached at **571.272.6771**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

/John O Preston/
Examiner, Art Unit 3691
April 22, 2010

/Kelly Campen/
Primary Examiner, Art Unit 3691